

From: [Butler, David](#)
To: [Mitch Willoughby](#)
Cc: [Wessinger-Hill, JoAnne](#); [Grube-Lybarker, Carri](#); [Hall, Roger](#); [Andrew D'Antoni](#); [Pittman, Jenny](#); [Huber, Christopher](#); [PSC Contact](#); [Schmieding, Janice](#); [Wilson, Elise](#)
Subject: Re: [External] RE: Docket No. 2021-23-C - Motion for Leave to File Under Seal and for Confidential Treatment - Charter Fiberlink and Time Warner Cable
Date: Tuesday, June 1, 2021 6:31:23 PM

Mitch:
 Thanks for the clarification.
 David Butler

Sent from my iPhone

On Jun 1, 2021, at 4:54 PM, Mitchell Willoughby
 <mwilloughby@willoughbyhoefer.com> wrote:

Thank you David,

The Attachment B to the proposed order submitted by Ms. Pittman on May 28, 2021 is a public document and is a copy of the census blocks in South Carolina that the Charter Entities provided with their Joint Application filed on January 6, 2021.

The document that is to be maintained under seal is Attachment A to the Motion for Leave to File Under Seal, and as expressed in that motion, Attachment A “is a list of certain awarded census block groups assigned to the Charter Entities through the Rural Digital Opportunity Fund (“RDOF”) Phase I Auction (“Auction 904”) subsequently identified for relinquishment and recently submitted to the Federal Communications Commission (“FCC”).”

So to clarify, the Attachment B to the proposed order is the correct exhibit to attach to the Commission’s order for issuance in this docket and at this time. The unredacted version of Attachment A to the Motion for Leave to File Under Seal (which has been provided to the Commission in a sealed envelope) should be maintained under seal at this time. My letter to Ms. Boyd dated May 21, 2021, which included the Motion for Leave to File Under Seal explains as follows:

Once the FCC provides Charter with its modified RDOF awarded census block list under the Phase I Auction for South Carolina, the Charter Entities will provide notice to the Commission of same pursuant to footnote 1 of the Stipulation executed between the Office of Regulatory Staff and the Charter Entities and filed with the Commission on May 13, 2021. The modified list would then be public and available to the Commission to update its files to reflect the RDOF census blocks that constitute the ETC designated areas granted to the Charter Entities in this docket.

Charter Entities' Filing Letter dated May 21, 2021 at 2.

In the proposed order at footnote 4, this concept, as expressed in my letter to Ms. Boyd, is also set forth. In sum, once the FCC provides Charter with its modified RDOF awarded census block list, the Charter Entities will provide notice thereof to the Commission and ORS and, at that time, Attachment A to the Motion for Leave to File Under Seal should thereafter no longer need to be maintained in confidence and under seal.

And the Charter Entities do need for the Commission to act on their Motion for Leave to File Under Seal, but, since Attachment A to the Motion for Leave to File Under Seal is not an attachment to the proposed order, the Commission could take action on the Motion for Leave to File Under Seal at its business meeting on June 9.

Hopefully, this information provides the clarification that you seek. If there are further questions, please let us know, and if we need to schedule another Teams meeting to discuss this matter, we will be pleased to set up such a meeting, of course, being mindful of Ms. Pittman's and Mr. Huber's schedules. Thank you for your attention to this important matter. With warmest regards,

Mitch

[<image001.jpg>](#)

Mitchell Willoughby, Esquire
WILLOUGHBY & HOEFER, P.A.
 930 Richland Street (29201)
 P.O. Box 8416
 Columbia, SC 29202
 (o) 803.252.3300 | (d) 803.771.2121
mwilloughby@willoughbyhoefer.com

From: Butler, David <David.Butler@psc.sc.gov>

Sent: Tuesday, June 1, 2021 3:48 PM

To: Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <RHall@scconsumer.gov>; Andrew D'Antoni <adantoni@willoughbyhoefer.com>; Mitchell Willoughby <mwilloughby@willoughbyhoefer.com>; Pittman, Jenny <jpittman@ors.sc.gov>; Huber, Christopher <chuber@ors.sc.gov>; PSC_Contact <Contact@psc.sc.gov>

Cc: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>; Schmieding, Janice <Janice.Schmieding@psc.sc.gov>; Wilson, Elise <Elise.Wilson@psc.sc.gov>

Subject: Docket No. 2021-23-C - Motion for Leave to File Under Seal and for Confidential Treatment - Charter Fiberlink and Time Warner Cable

To Mitch Willoughby and the Parties:

Mitch, I am writing to seek clarification on an issue in the above-noted Docket. On May

21, 2021, you filed a Motion for Leave to File Under Seal a list of certain census blocks that Charter had identified for relinquishment to the FCC. That Motion has not been ruled on by the Commission thus far. On May 28, 2021, Ms. Pittman filed a proposed Order with attachments. One of those attachments, Attachment B, was a list of census blocks for service under the ETC designation for Charter Fiberlink and Time Warner. I know your May 21, 2021 letter stated the FCC would provide the updated awarded census block list, and the modified list would then be public. This is where our confusion comes in. Is Attachment B to the proposed order the updated list? Is Charter still in need of a declaration of confidentiality for the original list of census blocks for relinquishment, considering we now have an apparent public list of census blocks to be served? Any help or explanation you can give us on this issue would be greatly appreciated, so as to provide clarity.

Thanks,
David Butler
Special Counsel